

SETTING THE RECORD STRAIGHT ON TERRORIST SURVEILLANCE

THE CLAIMS	THE FACTS ABOUT FISA
<i>“Midnight. February 16th. The law that lets intelligence agencies intercept Al-Qaeda communications expires.”</i>	<ul style="list-style-type: none"> The Foreign Intelligence Surveillance Act (FISA), the primary law that allows US intelligence agencies to intercept terrorist communications, remains fully in place. On February 16th, a temporary expansion of some FISA powers, known as the Protect America Act (PAA), expired after President Bush and Republicans <i>opposed</i> an extension. [Roll Call Vote 54] Over the weekend, Bush Administration official Kenneth L. Wainstein, the Assistant Attorney General for National Security, admitted that “...with the expiration of the PAA, the directives that are in force remain in force until the end of that year. . . . [W]e’ll be able to continue doing surveillance based on those directives.” [Washington Post 2.25.08]
<i>“Senate Democrats and Republicans vote overwhelmingly to extend terrorist surveillance.”</i>	<ul style="list-style-type: none"> On November 15th, 2007, the House voted to pass a strong terrorist surveillance bill, the RESTORE Act. Congresswoman Shea-Porter voted for this bill. [Roll Call Vote 1120] The Senate took three months to pass its own version of the same bill, waiting until just before the expiration of the temporary PAA. The Senate bill also included an unrelated provision to provide ‘retroactive immunity’ to telecommunications firms. [Washington Post 2.13.08]
<i>“But the House refuses to vote and instead goes on vacation.”</i>	<ul style="list-style-type: none"> The House <i>did</i> vote to extend the temporary FISA expansion (the Protect America Act) for a further three weeks. However, that bill was defeated after President Bush threatened to veto and House Republicans voted against it. [Roll Call Vote 54] The House refused to accept the President’s ‘retroactive immunity’ provisions, and decided to take more time to reach a compromise with the Senate and White House. [Washington Post 2.25.08]
<i>“So new surveillance against terrorists is crippled.”</i>	<ul style="list-style-type: none"> Leading national security experts, including officials of the Bush Administration, have stated repeatedly that terrorist surveillance will go on uninterrupted – and that our security has not been weakened. [Fact Sheet 2.15.08] No warrant is ever needed to spy upon foreign terrorists overseas. The wiretap authorizations granted under the PAA will remain in effect for at least six months or more. [New York Times 1.23.08] The FISA court can approve surveillance warrants in the middle of the night, in a matter of minutes. In emergencies, surveillance can begin without a warrant, which can be obtained up to 72 hours after the fact. [Fact Sheet 2.15.08]
<i>“Tell Carol Shea-Porter that Congress must do its job and pass the Senate’s terrorist surveillance bill to keep us all safe.”</i>	<ul style="list-style-type: none"> Carol Shea-Porter <i>did her job</i> by voting to extend the PAA to give the House, Senate, and President time to reach a strong compromise that will protect our national security <i>and</i> the Constitution. The claim implies that Congresswoman Shea-Porter voted against extending the temporary surveillance provisions – this is false. [Roll Call Vote 54] We are still protected by our nation’s intelligence gathering agencies that are operating under the laws that were put into place <i>after 9/11</i> to respond to the terrorist threats, as well as the provisions of the PAA that will remain in effect until the end of the year. [Fact Sheet 2.14.08] Last week, House and Senate Democrats met to work out a compromise agreement. Republicans and the White House refused to come to the table. [Hoyer 2.22.08]